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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SAM LOUIE,

11 Plaintiff,

12 v.

13 PIAGGIO GROUP AMERICAS,
14 INC.,

15 Defendant.

CASE NO. C18-0979JLR

ORDER REMANDING TO
STATE COURT

16 On July 19, 2018, the court ordered Defendant Piaggio Group Americas, Inc.
17 (“Piaggio”) to show cause why the court should not remand this matter to King County
18 Superior Court for lack of subject matter jurisdiction. (*See* 7/19/18 Order (Dkt. # 9).)
19 Piaggio asserts that the court’s subject matter jurisdiction is based on diversity of
20 citizenship under 28 U.S.C. § 1332. (*See* Not. of Removal (Dkt. # 1) at 2-3.) The court
21 questioned, however, whether the lawsuit implicates more than \$75,000.00. (*See* 7/19/18
22 Order at 2.)

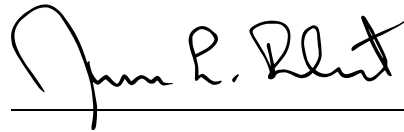
1 On August 1, 2018, Piaggio responded that it “recognizes that on its face the
2 amount in controversy in this case appears to be well beneath the jurisdictional limit”
3 and “has no objection” to remand. (Resp. to OSC (Dkt. # 11) at 1.) Piaggio provides an
4 email exchange in which Plaintiff Sam Louie’s counsel states—after initially requesting
5 that Piaggio remand the case— “[w]e will stay in federal court” based on the addition of
6 “reasonable attorney’s fees” to the amount in controversy. (*See* Mann Decl. (Dkt. # 12)
7 ¶ 3, Ex. A at 5.) However, Mr. Louie may not stipulate to subject matter jurisdiction, *see*
8 *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003), and “it
9 is an open question” in the Ninth Circuit whether unaccrued attorney’s fees are part of the
10 amount in controversy, *Gonzales v. CarMax Auto Superstores, LLC*, 840 F.3d 644, 649
11 n.2 (9th Cir. 2016); *see also Williams v. ETC Inst.*, No. 18-cv-01011-MEJ, 2018 WL
12 3105117, at *12 (N.D. Cal. June 25, 2018) (noting that even courts that consider future
13 fees in calculating the amount in controversy require a specific showing).

14 For those reasons, the court REMANDS this matter to the King County Superior
15 Court and DIRECTS the Clerk to remove Piaggio’s motion to dismiss (Dkt. # 5) from the
16 court’s calendar. The court further ORDERS that:

- 17 1. All further proceedings in this case are REMANDED to the Superior Court for
18 King County in the State of Washington;
- 19 2. The Clerk shall send copies of this order to all counsel of record for all parties;
- 20 3. Pursuant to 28 U.S.C. § 1447(c), the Clerk shall mail a certified copy of the
21 order of remand to the Clerk for the Superior Court for King County,
22 Washington;

- 1 4. The Clerk shall also transmit the record herein to the Clerk of the Court for the
2 Superior Court for King County, Washington;
- 3 5. The parties shall file nothing further in this matter and instead are instructed to
4 seek any further relief to which they believe they are entitled from the courts of
5 the State of Washington; and
- 6 6. The Clerk shall CLOSE this case.

7 Dated this 2nd day of August, 2018.

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10 JAMES L. ROBART
11 United States District Judge
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